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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,319	12/19/2001	Kouzo Nagashima	SHO 1007-01US	8141
28327	7590	10/12/2006	EXAMINER	
THE LAW OFFICE OF JOHN A. GRIECCI 703 PIER AVE., SUITE B #657 HERMOSA BEACH, CA 90254			HARPER, TRAMAR YONG	
			ART UNIT	PAPER NUMBER
			3714	
DATE MAILED: 10/12/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s) NT	
	10/025,319	NAGASHIMA, KOUZO	
	Examiner	Art Unit	
	Tramar Harper	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,6-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,6-13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner acknowledges Request for Continued Examination filed on 9/11/06.

Examiner acknowledges receipt of amendment on 09/11/06. The arguments set forth in the response are addressed herein below. Claims 1, 3, 5, and 14 are cancelled. Claims 2, 4, 6-13, and 15-21 remain pending, and Claims 2, 7-9, & 16-17 have been amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2,4, 6-12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the US Patent of Miura (6,322,451) in view of the US Patent of Begis (6,024,643) in further view of Reisman (US 6,125,388).

In terms of claims 2,4, 6-9, and 12, Miura teaches a tournament game system that allows players to choose opponents to compete against (Abstract). Players can

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choose other players they desire to play against based upon the listed players skills (Abstract). Additionally, if no opponents are available for play, virtual players or computer opponents can be substituted (Abstract and Fig. 5). Miura also teaches that if a player does not choose available competitors, a computer will generate a virtual player to substitute as a competitive player (Col 6:1-47). The gaming system comprises of a network of a host computer, servers, and gaming machines (Fig. 9c). Miura, also discloses outputting messages regarding game play events such as messages from other players, in game progress, available player progress, acceptance messages, etc. (Figs. 5-6, Col. 7:24-46). Miura lacks teaching a computer producing virtual game players when available game players are below a predetermined number and temporarily disconnecting from the game server until game preparation is completed. Begis teaches a network game system that allows for remote, virtual competition in single and tournament game formats (Abstract). Begis also teaches that a player can play with virtual players, representing real players, or allow a completely virtual competition played by only virtual players (Col 5:40-45). Other embodiments taught by Begis show teachings of real opponents competing (Col 7:15-20), real players versus computer generated opponents (Col 7:15-20), and teams competing against real or virtual players (Col 8:20-30). One impetus for Begis's system is to assist players in finding suitable opponents for competition (Col 2:54 - Col 3:12). In this process Begis provides that if a player needed for a game is not available, then a computer program will continue to search for suitable opponents (Col 7:63-66). Reisman discloses a system that

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comprises of a user input-output interface for a user's station, workstation, computer, or terminal, which is interpreted as any information appliance or device having computer like functions and the ability to support an operating system for managing user input-output with a processor, including video game players, wired and wireless personal computers, etc. (Col. 29:46-56), that upon the request from a user for a information objects (updates) the server temporally disconnects from the user station until completion of the request, and a notification of such completion is sent to the user via the user (Col. 19:20-60). Reisman discloses that such a modification cuts down on congestion and cost of communication lines and reduces the chance of errors of a transmission data (Col. 19:37-47). As such, one would be motivated to modify Miura to implement a system that matches the best suited opponent to a player, using real or virtual players so that a player's time is not wasted on an unsuitable match (Begis: Col 7:60-62) and temporarily disconnect the communications line the server and user station until game preparation is complete, as taught by Reisman. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miura with the matching system of Begis and the cost saving communications system of Reisman for advantages, as stated above.

As for claim 10, one of the competitive games is described as chess (Begis Col 2:54-64).

Regarding the newly added language to claims 7-9, noting at least Figure 6 of Begis one can readily see that each player profile, which can result in the creation of a Proxy player, has different percentages for actions to be accomplished in the game. Therefore, they appear to have different thinking routines to the player who is playing opposite of them. A proxy player based upon profile 50 will have a much slower combat response time than that of a proxy player based upon profile 60. These profiles are applying different data into the game program and therefore simulate different players. Therefore, the combination as previously set forth includes the newly added language at least as much as to the specificity claimed.

As for claim 11, games can be in tournament format as describe above, which generally encompasses a plurality of the same kinds of games if not a series of the same game.

As for claim 15, playing against virtual players is discussed for use as a training mechanism to develop player skills, wherein players are provided suitable skill matched opponents (Begis: Col 5:45-56) or imposed with some handicap to insure equal difficulty for both players. Playing against virtual players is also taught as providing a strategy to defeat opponents in future games (Begis: Col 7:10-14).

As for claim 16-21, is rejected under 35 U.S.C. 103(a) as being unpatentable over Miura in view of Begis in further view of Reisman as applied to claims 2,4, 6-12, and 15 above, and further in view of Quake III Arena™ © 1999 Id Software, Inc. Miura teaches that a player can select an opponent and reserve a game space to play against an opponent. If the opponent is playing a match at the time a notification flag/message

is activated indicating the status of the opponent (Fig. 5). The player is on standby until the opponent is available, as which notification will be provided (Col 2:39-54, Col 6:31-43). Thus, this is interpreted as a means for notification that the preparation of the upcoming game is complete. Miura discloses that displaying the other players' information give the player a feeling of playing actual players rather than a computer, enhancing the virtual reality. Also, the other players' information stimulates the player to play a head-to-head or cooperation game (Col 1:60-65). Other players' information may include game scores, histories, etc (Col 2:1-5). Quake III Arena™ is a tournament game where a player can compete against virtual and actual players on a server. The actual and virtual players appear by name on a player list within the game. The virtual players or "bots" appear in the same fashion as the actual players (Quake III Arena™ game manual: pages 3-8, 22). It would have been obvious to one of ordinary skill at the time of the invention to disguise the virtual players or give them actual names to achieve the above effect, as taught by Miura.

As for claim 13, is rejected under 35 U.S.C. 103(a) as being unpatentable over Miura in view of Begis in further view of Reisman as applied to claims 2,4, 6-12, and 15 above, and further in view of the US Patent of Luciano Jr. (6,024,643). Miura in view of Begis and Reisman teach the limitations as discussed above, but does not teach recording game play for later use. Luciano teaches a network competition game between two or more players (Col 11:57-65) with a memory for recording game play (Col 11:34-52). The recording device is for recording game play so that a user reassures oneself that proper prizes were awarded. One would be motivated to modify

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Miura in view of Begis to use a game play recording mechanism so that a player can be assured that the proper outcome was determined. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miura in view of Begis to implement the system taught by Luciano so that users can be assured that game outcome accuracy is insured.

Response to Arguments

Applicant's arguments with respect to Claims 2, 4, 6-13, and 15-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kirmse (US 2002/0086732) teaches a multiplayer game and mail messenger client-server system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

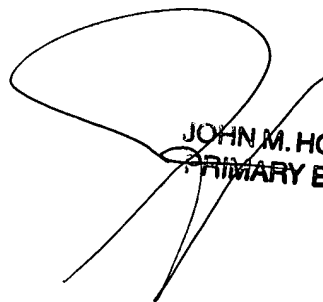
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH

10/4/06


JOHN M. HOTALING, II
PRIMARY EXAMINER